



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

September 16, 2021

REPLY TO THE ATTENTION OF:

SE-5J

VIA ELECTRONIC MAIL
& FEDEX OVERNIGHT

Sean Stadler, Operations Manager
Chemtool, Inc.
A Subsidiary of Lubrizol, a Berkshire Hathaway Company
1165 Prairie Hill Rd.
Rockton, Illinois 61072
Sean.stadler@Chemtool.com

Re: Request for Information Pursuant to Section 104(e) of the Comprehensive
Environmental Response, Compensation, and Liability Act
June 14, 2021 Fire at Chemtool Facility Located at
1165 Prairie Hill Road, Rockton, Winnebago County, Illinois
Site/Spill Identifier (SSID): C5TM

Dear Mr. Stadler:

This letter seeks the cooperation of Chemtool Inc. (Chemtool) in providing information and documents relating to the contamination of the Chemtool Fire Site (the Site), located at 1165 Prairie Hill Road, Rockton, Winnebago County, Illinois.

The U.S. Environmental Protection Agency responded to the release or threat of release of hazardous substances, pollutants, or contaminants at the Site. EPA is seeking additional information concerning the generation, storage, treatment, transportation, and methods used to dispose of these substances, and identify activities, materials and parties that contributed to contamination at the Site. EPA believes that Chemtool might possess information that may assist the agency in its investigation of the Site. You are receiving this Request for Information on behalf of Chemtool as its Operations Manager.

On Monday, June 14, 2021, several fire departments from both Illinois and Wisconsin were called to a 4-alarm fire at the Chemtool facility in Rockton, Illinois. Chemtool is a company that makes greases, additives, and other fluids including industrial cleaners, corrosion inhibitors, and metalworking fluids. Immediately upon arrival, the Fire Chief implemented a mandatory evacuation of a one-mile radius surrounding the facility due the presence of hazardous substances and oils within the building. At approximately 0900, the Illinois Environmental

Protection Agency requested assistance from EPA due to the large scale of the fire and the proximity to residential areas. Therefore, EPA is currently using and has used public funds to address the contamination.

We encourage you to give this matter your immediate attention and request that you provide a complete and truthful response to this Request for Information and enclosed questions Enclosure C within 30 calendar days of your receipt of this letter. Instructions on how to respond to the questions in Enclosure C to this document are described in Enclosure A.

Some of the information EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in Enclosure A, including the requirement for supporting your claim for confidentiality.

Under Section 104(e)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, (CERCLA), 42 U.S.C. § 9604(e)(2), EPA has broad information gathering authority which authorizes EPA to require persons to furnish information or documents relating to:

- (a) The identification, nature and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility;
- (b) The nature or extent of a release or threatened release of a hazardous substance, pollutant or contaminant at or from a vessel or facility; and
- (c) Information relating to the ability of a person to pay for or to perform a cleanup.

While EPA seeks your cooperation in this investigation, compliance with this Request for Information is required by law. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.

If you have information about other parties who may have information that may assist the agency in its investigation of the Site or may be responsible for the contamination or release of hazardous substances, pollutants, or contaminants at the Site, that information should be submitted within the time frame noted above.

Section 104 of CERCLA, 42 U.S.C. § 9604, authorizes EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to requests for submissions of required information.

This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 *et seq.*

If you are unable to respond in a timely fashion because of impacts related to the COVID-19 pandemic, please contact Mike R. Rafati, Enforcement Specialist, at (312) 886-0390 or rafati.mike@epa.gov, explaining the specific impacts on your ability to respond.

To the extent possible you are strongly encouraged to use OneDrive or email to submit your response. If your response is too large to be submitted by email, or if you plan to claim any of your response as confidential business information (CBI), please contact Mike R. Rafati, Enforcement Specialist, at (312) 886-0390 or rafati.mike@epa.gov to make additional arrangements for submitting your response.

If you are mailing your response, you should also send an email to Mike R. Rafati, Enforcement Specialist, at rafati.mike@epa.gov to provide the name of the carrier and confirm the mailing date. Your mailed response should be addressed to:

Mike R. Rafati, Enforcement Specialist
U.S. Environmental Protection Agency, Region 5
Superfund & Emergency Management Division
Enforcement Support Section, SE-5J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

If you have any legal questions, please contact Naeha Dixit, Associate Regional Counsel, at (312) 353-5524 or dixit.naeha@epa.gov. However, if you have specific questions about the Request for Information, please contact Mike R. Rafati, Enforcement Specialist, at (312) 886-0390 or rafati.mike@epa.gov.

We appreciate your prompt response to this Request for Information.

Sincerely,

9/16/2021

X 

Samuel Borries, Chief
Emergency Response Branch #2
Signed by: SAMUEL BORRIES

Enclosures

- A. Instructions
- B. Definitions
- C. Questions
- D. Declaration

cc: David L. Rieser
Counsel for Lubrizol
david.rieser@klgates.com

bcc: Naeha Dixit, ORC (C-14J)
John Matson, ORC (C-14J)
Craig Thomas, OSC, (SE-5J)
Mike R. Rafati, ESS (SE-5J)
Carolyn Bohlen, ESS (SE-5J)
John Maritote, ERS 4 (SE-5J)
Gerri Pete, ESS (SE-5J)
Todd Quesada, MSD (SRC-7J)

Enclosure A
Request for Information
Chemtool Fire Site

INSTRUCTIONS

1. Answer Each Question Completely. You must provide a separate answer to each question and subpart set forth in this Request for Information. Incomplete, evasive, or ambiguous answers shall constitute failure to respond to this Request for Information and may subject you to the penalties set out in the cover letter.

2. Response Format and Copies. Provide the responses to this Request for Information and copies of all requested documents either electronically or on paper (hard copy). Your submission, whether electronic or hard copy, must include an index that lists all the responsive documents provided, and that indicates where each document is referenced in the written response, and to which question or questions each document is responsive.

Any documents you determine to be CBI must be segregated out and submitted in a separate folder or on a separate compact disc (CD). These documents must be clearly marked as "Confidential Business Information."

If providing your response electronically, it must be submitted on a CD in Portable Document Format (PDF) and comply with the following requirements:

(a) CBI and personally identifiable information (PII) should be provided on separate media (*e.g.*, a separate CD) and marked as such to ensure information is appropriately handled.

(b) All documents originally smaller than 11 by 17 inches can be submitted electronically; any documents originally larger than 11 by 17 inches must be submitted in hard copy.

(c) Electronic PDF files must be text-searchable.

(d) The document index must clearly identify any single electronic document which has been separated into multiple electronic files (because of size limitation or otherwise) and each component file that comprises the full document.

3. Number Each Answer. Number each answer with the number of the question to which it corresponds.

4. Provide the Best Information Available. You must provide responses to the best of your ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered noncompliance with this Request for Information.

5. Identify Information Sources. For each question, identify all persons and documents you relied on for your answer.

6. Confidential Information. You must provide the information requested even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to 42 U.S.C. §§ 9604(e)(7)(E) and (F), and 40 C.F.R. § 2.203(b). All information claimed to be confidential should be contained on separate sheet(s) and should be clearly identified as “trade secret”, “proprietary” or “company confidential”. Your confidentiality claim should be supported by the submission of information consistent with 40 C.F.R. Part 2. Information covered by a confidentiality claim will be disclosed by EPA only to the extent, and only by means of the procedures, provided in 40 C.F.R. §§ 2.201-2.311. If no such claim accompanies the information received by EPA, it may be made available to the public by EPA without further notice to you.

You should also provide a redacted version of the same document that removes all CBI and PII from the document. This redacted version of the document should remove all information that you claim is CBI or PII. Since all the CBI and PII is removed, this redacted version is not subject to the procedures of 40 C.F.R. Part 2. EPA may make this redacted version available to the public without further notice to you.

7. Disclosure to the EPA Contractor. Information that you submit in response to this Request for Information may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. § 2.310(h), even if you assert that all or part of it is CBI. EPA may provide this information to its contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Request for Information. If you are submitting information that you assert is entitled to treatment as CBI, you may comment on this intended disclosure within twenty (20) business days of receiving this Request for Information.

Optional: Example format for listing contractors being used by EPA. EPA may contract with one of the following independent contracting firms to review the documentation, including documents that you claim are CBI, which you submit in response to this Request for Information depending on available agency resources. The contractor will be filing, organizing, analyzing and/or summarizing the information for agency personnel. EPA's contractors are: Booz-Allen & Hamilton, Inc.; (subcontractors to Booz-Allen & Hamilton, Inc. are: CDM-Federal Programs Corporation, Dynamac Corporation, PRC Environmental Management, Inc., CACI, Inc., Hydraulic & Water Resources Engineers, Inc., Investigative Consultant Services, Inc., Northeast Investigation and Tri-State Enterprises); CH2MHill; Black & Veatch Waste Science and Technology Corporation; TetraTech, Inc.; Ecology & Environment, Inc.; Halliburton NUS Corporation (formally known as Halliburton NUS Environmental Corporation); Environmental Technology, Inc.; and Roy F. Weston, Inc., operating under contract numbers 68-W4-0010; 68-W8-0091; 68-W8-0092; 68-W8-0085; 68-W80037; 68-S2-3002; and 68-WO-0036, respectively. These contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. Section 104 of the Superfund law, and EPA's regulations at 40 C.F.R. § 2.310 provide that EPA may share such CBI with contractors. If you have any objections to disclosure by EPA of documents that you

claim are CBI to any or all of these entities, then you must notify EPA at the time you submit such documents.

8. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from your responses, included on separate sheet(s), and marked as “Personal Privacy Information”. You should note, however, that unless prohibited by law, EPA may disclose this information to the general public without further notice to you.

9. Objections. While you may object to certain questions in this Request for Information, you must provide responsive information notwithstanding those objections. To object without providing responsive information may subject you to the penalties set out in the cover letter.

10. Privilege. If you claim that any document responsive to this Request for Information is a communication for which you assert that a privilege exists for the entire document, identify (see Definitions) the document and provide the basis for asserting the privilege. For any document for which you assert that a privilege exists for a portion of it, provide the portion of the document for which you are not asserting a privilege, identify the portion of the document for which you are asserting the privilege, and provide the basis for such an assertion. Please note that regardless of the assertion of any privilege, any facts contained in the document that are responsive to the Request for Information must be disclosed in your response.

11. Declaration. You must complete the enclosed declaration Enclosure D, in hard copy with an original signature, certifying the accuracy of all statements in your response.

Enclosure B
Request for Information
Chemtool Fire Site

DEFINITIONS

Terms not defined here shall have their ordinary meaning, unless such terms are defined in Section 101 of CERCLA, 42 U.S.C. § 9601, or Volume 40 of the Code of Federal Regulations, in which case such statutory or regulatory definitions shall apply.

The following definitions apply to the following words as they appear in this Request for Information:

1. The term “you,” “Respondent,” or Chemtool means Chemtool, Inc.; the addressee of this Request for Information, together with its agents, employees, and contractors.
2. The term “document” and “documents” means any method of recording, storing or transmitting information. “Document” includes, but is not limited to:
 - (a) writings of any kind, including, but not limited to, any of the following:
 - i. letters, memoranda, fax transmittals;
 - ii. meeting minutes, telephone records, notebooks;
 - iii. agreements and contracts;
 - iv. reports to shareholders, management, or government agencies;
 - v. transportation manifests;
 - vi. copies of any document;
 - (b) any film, photograph, or sound recording on any type of device;
 - (c) any blueprints or drawings; and
 - (d) attachments to, or enclosures with, any document.
3. The term “identify” means, with respect to a natural person, to set forth: (a) the person’s full name; (b) present or last known business and home addresses and telephone numbers; and (c) present or last known employer (include full name and address) with job title, position, or business.
4. The term “identify” means, with respect to a corporation, partnership, business trust or other entity, to set forth: (a) its full name; (b) complete street address; (c) legal form (*e.g.*, corporation, partnership); (d) the state under whose laws the entity was organized; and (e) a brief description of its business.

5. The term “identify” means, with respect to a document, to provide: (a) its customary business description (*e.g.*, letter, invoice); (b) its date; (c) its number if any (*e.g.*, invoice or purchase order number); (d) the identity of the author, addressee, and/or recipient; and (e) a summary of the substance or the subject matter. Alternatively, Respondent may provide a complete copy of the document.
6. The term “material” or “materials” means any and all raw materials, commercial products, wastes, chemicals, substances, or matter of any kind.
7. The “period being investigated” and “the relevant time period” means June 14th, 2021 to present.
8. The term “property” means any interest in real or personal property whatsoever, including fee interests, leases, licenses, rental and mineral rights.
9. The “Site” means any or all property or area at the Chemtool Facility located at 1165 Prairie Hill Road, Rockton, Winnebago County, Illinois.
10. The term “waste” or “wastes” means and includes, but is not limited to, trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
11. The term “business activities” means all actions, endeavors, ventures, or financing arrangements related in any manner whatsoever to the use and development of the Site, including surveying, sampling, grading, documentation, photography, demolition, construction, and waste disposal, and sales.
12. The term “Aqueous film forming foam” (a/k/a AFFF, or alcohol resistant AR-AFFF) means a foam used for fighting high-hazard flammable liquid fires. AFFF is usually created by combining foaming agents with fluorinated surfactants. Per- and polyfluoroalkyl substances (PFAS) are the active ingredient in these fluorinated surfactants. When mixed with water and discharged, the foam forms an aqueous film that quickly cuts off the oxygen to a flame, extinguishes the fire, and stops the fire from relighting.
13. The term “PFAS” shall mean per- and polyfluoroalkyl substance(s) where perfluorinated substances are defined as man-made chemicals of which all of the carbon atoms are fully fluorinated carbon atoms and where polyfluoroalkyl substances are defined as man-made chemicals containing a mix of fully fluorinated carbon atoms, partially fluorinated carbon atoms, and nonfluorinated carbon atoms. Per- and polyfluoroalkyl substance(s) can be in a variety of products, including AFFF.

Enclosure C
Request for Information
Chemtool Fire Site

INFORMATION REQUESTS

A. General Requests

1. Identify all persons consulted in the preparation of the answers to these questions.
2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these questions, and provide copies of all such documents.
3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question, or who may be able to provide additional responsive documents, identify such persons.
4. List the EPA Identification Numbers for the Chemtool Facility located at 1165 Prairie Hill Road, Rockton, Winnebago County, Illinois (Facility).
5. For the time period during which Chemtool has owned and/or occupied the Facility, identify the acts or omissions of any persons, other than your employees, contractors, or agents that may have caused any release or threat of release of hazardous substances, pollutants or contaminants, and damages resulting therefrom.
6. Identify all persons having knowledge or information about the generation, transportation, treatment, disposal, or other handling of hazardous substances by you, your contractors, or other parties at the Facility since you became an owner and/or operator of the Facility.
7. Did you ever use, purchase, store, treat, dispose, transport, or otherwise handle any hazardous substances or materials at the Facility? If the answer to the preceding question is anything but an unqualified "no," identify:
 - (a) The chemical composition, characteristics, physical state (*e.g.*, solid, liquid) of each hazardous substance;
 - (b) Who supplied you with such hazardous substances;
 - (c) How such hazardous substances were used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you;
 - (d) When such hazardous substances were used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you;

(e) Where such hazardous substances were used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you; and

(f) The quantity of such hazardous substances used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you.

8. Provide a list of all property and casualty insurance for the Facility (*e.g.*, comprehensive general liability, environmental impairment) and specify the insurer, policy, effective dates, and per occurrence policy limits for each policy for the time period beginning January 1, 2017 through the present date. In lieu of providing this information, you may submit complete copies of all relevant insurance policies.

9. Has Chemtool filed a claim with any insurer listed in response to Request No. 8 for any and all potential claims against it arising out of the events on or about June 14, 2021 related to the fire occurring at that time? If so, provide the nature of the claim, and all documents relevant to each claim relevant to the cause of the claim (*i.e.*, the fire), releases of hazardous substances at or from the Facility, cleanup or remediation of any release, and potential liability for any release.

10. For the time period during which Chemtool has owned and/or occupied the Facility, identify all persons, including yourself, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of waste materials, including hazardous substances, at the Site or to the Site (or transshipment site). In addition, identify the following:

(a) The persons with whom you or such other persons made such arrangements, including, but not limited to (provide list of transporters);

(b) Every date on which such arrangements took place;

(c) For each transaction, the nature of the waste material or hazardous substance, including the chemical content, characteristics, physical state (*e.g.*, solid, liquid) and the process for which the substance was used or the process which generated the substance;

(d) The owner of the waste materials or hazardous substances so accepted or transported;

(e) The quantity of the waste materials or hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions;

(f) All tests, analyses and analytical results concerning the waste materials or hazardous substances;

(g) The person(s) who selected the Site (or transshipment site) as the place to which the waste materials or hazardous substances were to be transported;

(h) The amount paid in connection with each transaction, the method of payment and the identity of the person from whom payment was received;

- (i) Where the person identified in Request 10.g. above intended to have such waste materials or hazardous substances transported and all evidence of this intent;
- (j) Whether the waste materials or hazardous substances involved in each transaction were transshipped through, or were stored or held at, any intermediate site prior to final treatment or disposal;
- (k) What was actually done to the waste materials or hazardous substances once they were brought to the Site;
- (l) The final disposition of each of the waste materials or hazardous substances involved in such transactions;
- (m) The measures taken by you to determine the actual methods, means and site of treatment or disposal of the waste materials or hazardous substances involved in each transaction;
- (n) The type and number of containers in which the waste materials or hazardous substances were contained when they were accepted for transport, and subsequently until they were deposited at the Site, and all markings on such containers;
- (o) The price paid for (i) transport or (ii) disposal or (iii) both, of each waste material and hazardous substance;
- (p) All documents containing information responsive to a)-(o) above, or in lieu of identification of all relevant documents, provide copies of all such documents; and
- (q) All persons with knowledge, information, or documents responsive to questions (a) – (o), above.

11. Describe the nature of Chemtool's activities or business at the Facility, with respect to purchasing, receiving, processing, storing, treating, disposing, or otherwise handling hazardous substances or materials at the Facility.

12. State the dates during which you first owned, operated, or leased the Facility and provide copies of all documents evidencing or relating to such ownership, operation, or lease arrangement (*e.g.*, deeds, leases).

13. Provide information about the Facility, including but not limited to the following:

- (a) Property boundaries;
- (b) Location of underground utilities (telephone, electrical, sewer, water main, etc.);
- (c) Surface structures (*e.g.*, buildings, tanks);

(d) Ground water wells, including drilling logs;

(e) Storm water drainage system, and sanitary sewer system, past and present, including septic tank(s), subsurface disposal field(s) and other underground structures; and where, when, and how such systems are emptied;

(f) Any and all additions, demolitions or changes of any kind on, under or about the Site, to its physical structures or to the property itself (*e.g.*, excavation work); and any planned additions, demolitions or other changes to the Site; and

(g) All maps and drawings of the Facility in your possession showing the layout of the Facility prior to the June 14, 2021 fire.

15. Identify all leaks, spills, or releases into the environment of any hazardous substances, pollutants or contaminants that have occurred at or from the Site since you began ownership and/or operating at the Facility. In addition, identify:

(a) When such releases occurred;

(b) How the releases occurred;

(c) The amount of each hazardous substances, pollutants, or contaminants so released;

(d) Where such releases occurred;

(e) Any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release;

(f) Any and all investigations of the circumstances, nature, extent, or location of each release or threatened release including, the results of any soil, water (ground and surface), or air testing undertaken; and

(g) All persons with information relating to these releases.

16. During the time period when Chemtool was the owner and/or operator of the Facility prior to June 14, 2021, was there ever a spill, leak, release, or discharge of material, waste, or hazardous substance, pollutant, or contaminant into any subsurface disposal system or floor drain inside or under the Chemtool building? If the answer to the preceding question is anything but an unqualified “no,” identify:

(a) Where the disposal system or floor drains were located;

(b) When the disposal system or floor drains were installed;

(c) Whether the disposal system or floor drains were connected to pipes;

- (d) Where such pipes were located and emptied;
- (e) When such pipes were installed;
- (f) How and when such pipes were replaced, or repaired; and
- (g) Whether such pipes ever leaked or in any way released material, waste, hazardous substance, pollutant, or contaminant into the environment.

17. List all materials, wastes, or hazardous substances, pollutants, or contaminants present and the corresponding amounts onsite at the Facility the day of the June 14, 2021, fire. In addition, to the extent Chemtool was able to recover any materials, wastes, or hazardous substances, pollutants, or contaminants from the Facility after the response to the fire, please provide the amounts recovered.

B. Questions Regarding the Potential Release of Pollutants and Contaminants Resulting from the Fire and Firefighting Operations at Chemtool's Facility

18. For the fire extinguishing activities at the Facility on or about June 14, 2021:

- a. list every responding fire department involved at any time who participated in extinguishing the fire;
- b. list every government agency involved at any time who participated in extinguishing the fire;
- c. list every Chemtool employee involved at any time who participated in extinguishing the fire;
- d. list any other individuals involved at any time who participated in extinguishing the fire;
- e. provide a narrative and timeline of all actions taken by anyone to extinguish the fire;
- f. list all types of fire suppression agents used by anyone at any time to extinguish the fire;
- g. list all actions taken to contain the spread of fire suppression agents used by anyone at any time to extinguish the fire; and
- h. provide a plat of the property showing where fire suppression activities occurred.

19. Was fire suppression agent Aqueous film forming foam (a/k/a AFFF, or alcohol resistant AR-AFFF) used by Chemtool, its employees, contractors, or agents, a responding fire department, or any other individual or entity?

20. If your answer to question 19 is “yes,” provide the following information:

- a. All specific information on the AFFF used;
- b. A narrative description of the use of the AFFF, including, but not limited to, the following:
 - a. who used or applied the AFFF;
 - b. who made the decision to apply the AFFF;
 - c. where was the AFFF applied and indicate this on a plat of the Facility;
 - d. when it was applied;
 - e. the approximate amount AFFF used; and
 - f. All actions or efforts made by Chemtool, its contractors, or agents to control, contain, or limit the spread or release of the AFFF on or from the Facility.

Enclosure D
Request for Information
Chemtool Fire

DECLARATION

I declare under penalty of perjury that I am authorized to respond on behalf of the Respondent and that the foregoing is complete, true, and correct.

Executed on _____, 20____

Signature

Type or Print Name

Title